

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Criminal, Civil and Public Policy, to which was referred Senate Bill No. 172, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, delete lines 1 through 17.
- 2 Page 2, delete lines 1 through 10.
- 3 Page 2, line 20, after "person" insert "**:**
- 4 **(A) is at least twenty-one (21) years of age;**
- 5 **(B)".**
- 6 Page 2, line 20, delete "chapter" and insert "**chapter;**".
- 7 Page 2, line 21, before "operated" begin a new line double block
- 8 indented and insert:
- 9 **"(C)".**
- 10 Page 3, line 31, after "person" insert "**was at least twenty-one (21)**
- 11 **years of age and".**
- 12 Page 3, line 37, after "(g)" insert:
- 13 **"If:**
- 14 **(1) the conviction under consideration by the court is for an**
- 15 **offense under section (1)(b) of this chapter; and**
- 16 **(2) the court determines that the person operated a vehicle**
- 17 **with at least one (1) passenger less than eighteen (18) years of**
- 18 **age in the vehicle;**
- 19 **the court shall recommend the suspension of the person's driving**
- 20 **privileges for at least one (1) year but not more than two (2) years.**

- 1 (h)".
- 2 Page 3, reset in roman line 40.
- 3 Page 3, line 41, reset in roman "(3)".
- 4 Page 3, line 41, delete "(2)".
- 5 Page 3, line 42, reset in roman "(4)".
- 6 Page 3, line 42, delete "(3)".
- 7 Page 4, delete lines 3 through 12.
- 8 Page 4, line 13, delete "(j)" and insert "(i)".
- 9 Page 4, line 35, delete ":".
- 10 Page 4, strike line 36.
- 11 Page 4, line 37, strike "that the person be imprisoned for at least".
- 12 Page 4, line 37, delete "ninety".
- 13 Page 4, line 38, delete "(90)".
- 14 Page 4, line 38, strike "days;".
- 15 Page 4, line 40, strike "and".
- 16 Page 4, line 41, strike "(2)".
- 17 Page 5, line 24, after "is" insert "**at least twenty-one (21) years of**
- 18 **age and is**".
- 19 Page 5, line 28, delete ":".
- 20 Page 5, delete lines 29 through 30.
- 21 Page 5, line 31, delete "(2)".
- 22 Page 5, run in lines 28 and 31.
- 23 Page 5, delete lines 32 through 35, begin a new line block indented
- 24 and insert:
- 25 "**(1) receive an assessment of the person's degree of alcohol**
- 26 **and drug abuse; and**
- 27 **(2) if appropriate, successfully complete an alcohol or drug**
- 28 **program;**".
- 29 Page 5, line 41, delete "or".
- 30 Page 6, line 1, delete "IC 9-30-9." and insert "**IC 9-30-9; or**
- 31 **(3) a drug court certified under IC 12-23-14.5.**".
- 32 Page 6, line 3, after "(1)" insert ",".
- 33 Page 6, line 3, delete "or".
- 34 Page 6, line 3, after "(2)," insert "**or (3),**".
- 35 Page 6, line 9, delete "IC 12-23-14;" and insert "**IC 12-23-14 or**
- 36 **IC 12-23-14.5;**".
- 37 Page 6, between lines 25 and 26, begin a new paragraph and insert:
- 38 "SECTION 5. IC 9-30-10-5 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) If it appears from
 2 the records maintained in the bureau that a person's driving record
 3 makes the person a habitual violator under section 4 of this chapter, the
 4 bureau shall mail a notice to the person's last known address that
 5 informs the person that the person's driving privileges will be
 6 suspended in thirty (30) days because the person is a habitual violator
 7 according to the records of the bureau.

8 (b) Thirty (30) days after the bureau has mailed a notice under this
 9 section, the bureau shall suspend the person's driving privileges for:

10 (1) **except as provided in subdivision (2)**, ten (10) years if the
 11 person is a habitual violator under section 4(a) of this chapter;

12 (2) **life if the person is a habitual violator under section 4(a) of**
 13 **this chapter and has two (2) or more violations under section**
 14 **4(a)(4) through section 4(a)(7) of this chapter;**

15 (3) ten (10) years if the person is a habitual violator under section
 16 4(b) of this chapter; or

17 ~~(3)~~ (4) five (5) years if the person is a habitual violator under
 18 section 4(c) of this chapter.

19 (c) The notice must inform the person that the person may be
 20 entitled to relief under section 6 of this chapter or may seek judicial
 21 review of the person's suspension under this chapter."

22 Page 8, line 15, delete "operating a vehicle while intoxicated with
 23 at least one" and insert "**an offense under IC 9-30-5-5 (operating a**
 24 **vehicle while intoxicated causing death); or**".

- 1 Page 8, delete lines 16 through 17.
- 2 Renumber all SECTIONS consecutively.
(Reference is to SB 172 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 4.

Long

Chairperson